



**Town of Arlington
Legal Department**

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MEMORANDUM

TO: Board of Selectmen

FROM: Douglas W. Heim

DATE: March 13, 2017

RE: **Votes and Comments for Articles: 15, 18, 19, 20, 21, 22, 23, 24, 25 and 60**

I write to provide the Board the following as draft Votes and Comments for your consideration tonight's Board of Selectmen meeting regarding the previously heard, above-referenced warrant articles. I note that where existing bylaw provisions are amended by a vote, underlined text signifies new or additional wording, while strikethrough text signifies words and clauses to be eliminated.

ARTICLE 15

BYLAW AMENDMENT/PRIDE COMMISSION

VOTED: That Title II of the Town Bylaws ("Committees and Commissions") be and hereby is amended by inserting a new article to provide for the creation of an Arlington Pride/LGBTQIA+ Rainbow Commission as follows:

Article 13: LGBTQIA+ Rainbow Commission

Section 1. LGBTQIA+ Rainbow Commission Established

There is hereby established an LGBTQIA+ Rainbow Commission to promote equality-affirming policies regarding the full spectrum of sexual orientations and gender identities and to bring greater visibility and empowerment to the LGBTQIA+ population through education, advocacy, and collaboration with other Town agencies, schools, and community groups.

Section 2. Membership

The Commission shall consist of seven (7) members, six (6) of which are to be appointed by the Town Manager subject to the approval of the Board of Selectmen, and one (1) of which shall be appointed by the School Committee. Members shall be appointed to the following initial terms: Two (2) members to a one-year term, two (2) members for two-year terms , and three (3) members for three-year terms, as determined appropriate by the Town Manager and School Committee. All subsequent terms shall be for three years.

Should an appointing authority fail to appoint a successor to a Commission member whose term is expiring, such member may continue to serve until the relevant authority names a successor. A vacancy of the Committee shall be filled by the relevant appointing authority.

Section 3. Administration and Operation

The LGBTQIA+ Rainbow Commission shall not meet or conduct business without the presence of a quorum. A majority of the members of the LGBTQIA+ Rainbow Commission at any given time shall constitute a quorum and the Commission shall approve its actions by majority vote of the quorum.

Section 4. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth.

(5-0)

COMMENT: The Board of Selectmen unanimously support the establishment of a local Pride Commission to be known as the Arlington LGBTQIA+ Rainbow Commission. The Commission shall serve as an entity to specifically support the Arlington LGBTQIA+ community, promote equality-affirming policies, as well as create and maintain a connection

point between our Town and School government and LGBTQIA+ persons. The Board believes that the work of this Commission will build upon the efforts to the Town and School Department to date, especially the Arlington Human Rights Commission, and appreciates the substantial contributions of a variety of stakeholders in brining this bylaw proposal before Town Meeting.

ARTICLE 18

BYLAW AMENDMENT/APPRAISAL OF TOWN

VOTED: That Title I, Article 8 be and is hereby amended to add a new provision regarding the assessment and disposal of Town owned real property interests, so as to read in its entirety as follows:

ARTICLE 8: DISPOSAL OF TOWN PROPERTY

A. Disposal of Material and Personal Property

No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception.

Any department, board, or committee of the Town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for such property does not exceed \$500.

B. Disposal of Real Property and Related Interests

In addition to other applicable state law requirements, the Town must determine the value of any recorded real property interest, including leases, mortgages, preservation restrictions, easements, and/or profits à prendre before disposing of same whether by sale, abandonment, or other permanent disposal, by using procedures customarily accepted as valid by the appraising profession. The Town may hire an appraiser, but it is not required to do so.

The provisions of this subsection shall be construed apply even to those recorded property interests or instruments which do not require appraisal under state law.

(5-0)

COMMENT: The Board of Selectmen recommends favorable action on this straight-forward measure proposed by Ms. Lisa Reynolds to codify an appraisal requirement for any and all recorded Town real property interests and instruments within the Town Bylaws. The measure

mirrors State law requirements for most real property and related transactions. However, the proposed addition, featured in many other communities' bylaws, would also unambiguously apply to a broader set of real property matters, including paper roads. The Board also notes that as constructed and advocated by its proponents, neither adherence to the results of such appraisals, nor the hiring of an appraiser are required. As such, the modest procedural requirements should yield long-term consistency and clarity without abridging flexibility in a burdensome manner.

ARTICLE 19

VOTE/APPOINTMENT OF TOWN TREASURER

VOTED: That (1), Town Meeting hereby approves the conversion of the Town's elected Town Treasurer and Collector of Taxes from an elected position to an appointed position pursuant to G.L. c. 41 sec. 1B; and (2), that in accordance with G.L. c. 41 sec. 1B, the Board of Selectmen are hereby requested and authorized to place the following question on the 2018 Annual Town Election Ballot:

"Shall the town vote to have its elected Town Treasurer and Collector of Taxes become an appointed Town Treasurer and Collector of Taxes of the town?"

Yes _____ No _____ "

(5-0)

COMMENT: The Board of Selectmen recommends favorable action on initiating the process to convert the Treasurer and Collector position from an elected to an appointed office. The Board recognizes and commends the long, excellent service of our present Treasurer, Mr. Stephen Gilligan, who is retiring at the end of this term. The Board's interest in, and recommendation to convert the Treasurer's Office is solely rooted in desires to achieve efficiency gains and streamline the Town's financial management as recommended in part by the Department of Revenue in its 2012 analysis of Town financial structures. While the Board appreciates the arguments made in favor of maintaining the status quo at hearing, particularly given that a new Treasurer should and will have the opportunity to administer the Office before any change is realized, we believe that now is still the appropriate time to explore the further consolidation of Town financial management under the Town Manager.

While the Board urges Town Meeting's favorable action on placing this matter before the voters, it must be stressed that the Selectmen also look forward to working with the incoming Treasurer-elect, including examining the structure and functions of the office in advance of the 2018 Annual Town Election. If both Town Meeting and the voters approve this measure, the incoming Treasurer will serve the full length of his term before the Office would convert into an appointed position.

ARTICLE 20

**VOTE/EMAIL ACCOUNTS FOR MEMBERS
OF PUBLIC BODIES**

VOTED: That no action be taken under Article 20.

(5-0)

COMMENT: This article, inserted by citizen petition of Mr. Christopher Loreti is the same article submitted for the 2016 Annual Town Meeting. As the substance of the 2016 article and vote of Town Meeting having been implemented, the proponent did not present or pursue the matter further before this Board this year. Accordingly, both because this Selectmen respectfully request Town Meeting to take no action on articles for which there was no proposal placed before us, and because Mr. Loreti himself is not pursuing this article further, a vote of no action is recommended.

ARTICLE 21

VOTE/SURVEILLANCE STUDY GROUP

VOTED: That no action be taken under Article 21.

(4-0)

Mr. Greeley was absent

COMMENT: This article, inserted by citizen petition of Mr. Steve Revilek, sought to create a study group through Town Meeting to examine concerns by a number of residents regarding the use of surveillance technology to monitor and record persons in public spaces, and related issues. The Board agrees that the establishment of a study group is prudent to inventory and examine the landscape of surveillance issues in Arlington. However, the Board also believes that such a group would be more flexible and effective as a study group of the Board of Selectmen rather than a committee or body of Town Meeting. The Board will work with Mr. Revilek and other stakeholders to develop the membership and parameters of a study group on the intricate and important issues at work, and for only such reasons, recommend no action before Town Meeting.

**ARTICLE 22 ACCEPTANCE OF LEGISLATION/SENIOR PROPERTY TAX
WORK OFF PROGRAM**

VOTED: That the Town does hereby adopt Section 5K of M.G.L. Ch. 59, establishing a senior tax work off program as defined therein, including any subsequent amendments or modifications thereto, and elects to allow “approved representatives” to perform the services for the Town where otherwise eligible seniors are physically unable to do so themselves; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: This article represents the first of a suite of measures this Board sought from the Health and Human Services Department, Town Manager, and other Town officials to ease the tax burdens of potentially vulnerable Arlington homeowners, particularly Arlington seniors and others on fixed incomes, especially as the Town employs debt exclusions to meet the pressing capital needs of our schools. By accepting this legislation, one new tool will be available to Arlington seniors (defined in the statute as persons over the age of 60) to meet their local real property tax obligations – a volunteer “work off” program, which can supplement other abatement or exemption programs with a maximum property tax reduction of up to \$1,500.00 for calendar year.

In order to ensure maximum access, the Board of Selectmen also strongly recommends Town Meeting adopt this legislation with the added option of allowing an “approved representative” to perform the volunteer work for an eligible senior unable to provide approved work services to the Town themselves. The Board strongly urges Town Meeting’s favorable action on each and all of these tax assistance articles as integral to balancing the diverse needs and resources of Arlington’s valued residents.

**ARTICLE 23 ACCEPTANCE OF LEGISLATION/VETERAN PROPERTY TAX
WORK-OFF PROGRAM**

VOTED: That the Town does hereby adopt Section 5N of M.G.L. Ch. 59, establishing a veteran tax work off program as defined therein, including any subsequent amendments or modifications thereto and electing to allow “approved representatives” to perform the services for the Town where otherwise eligible veterans are physically unable to do so themselves; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: This article represents the second measure this Board sought from Town personnel to ease the tax burdens on potentially vulnerable homeowners as a series of property tax increases are employed to meet the Town's capital pressing improvement needs. Accepting this legislation provides the same type of new tool discussed in Article 22, but for Arlington veterans; allowing them to meet a portion of their local real property tax obligations through a volunteer "work off" program. As with the previous measure, this tool would supplement other abatement or exemption programs, but with a maximum property tax reduction of up to \$1,000.00 for calendar year.

As with the senior-oriented "work off" program, the Board also recommends this acceptance of legislation with the added option to allow an "approved representative" to perform the volunteer work for an eligible veteran if such person is physically unable to provide the approved work services.

ARTICLE 24 ACCEPTANCE OF LEGISLATION/ELDERLY AND DISABLED TAXATION FUND

VOTED: That the Town does hereby adopt Section 3D of M.G.L. Ch. 60, establishing a elderly and disabled tax relief fund as defined therein, including any subsequent amendments or modifications thereto and establishing a Taxation Aid Committee as provided by the statute; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: This article represents the third of this year's series of measures sought by the Board of Selectmen to lessen the tax burdens on potentially vulnerable homeowners. Accepting this legislation allows the Town to establish a fund and donation mechanism for defraying real estate taxes of seniors, as well as low income disabled persons. The legislation option allows the Town to designate a place on tax bills for donations for the fund for any amount greater than \$1.00, which essentially is due along with each homeowner's real estate tax bill. Such donated monies are held in a special account, and may be invested to further grow the fund.

In order that the Town may best collect and disburse the property tax aide under this mechanism, acceptance of this provision will also establish a five (5) member Taxation Aid Committee, which consists of the Chair of the Board of Assessors, the Town Treasurer, and three (3) residents appointed by this Board of Selectmen. The Committee shall adopt rules for its operation and the discharge of its duties in identifying and determining how to best assist eligible seniors and disabled low-income persons. The Board views both the creation of a tax assistance

fund and the Taxation Aid Committee as two additional and essential pieces in committing the Town to helping its most vulnerable property owners while also investing in some of the Town's most important capital resources. Accordingly, we strongly urge Town Meeting's favorable action.

**ARTICLE 25 ACCEPTANCE OF LEGISLATION/CPI ADJUSTMENT FOR
ELDERLY RESIDENTS**

VOTED: That the Town does hereby adopt Clause 41D of Section of M.G.L. Ch. 59, allowing an annual adjustment of senior income and asset eligibility requirements for certain tax exemptions according to the Consumer Price Index to better reflect the cost of living as provided by the statute; such adoption shall be effective upon acceptance.

(4-0)

Mr. Greeley was absent

COMMENT: The final component of tax assistance measures solicited by this Board is for the Town to adopt clause 41D of Section of M.G.L. c. 59. The purpose and intended effect of exercising this option is to render more Arlington seniors eligible for already existing property tax exemptions by allowing the Town to annually adjust the gross income and asset limit requirements according to the Consumer Price Index. Given the rising costs of many goods and services, as well as the present real estate landscape in Arlington, such an annual adjustment will better reflect income and assets relative to their cost of living. As such, the Board strongly recommends this improvement to already existing tax abatement options to Town Meeting.

**ARTICLE 60 RESOLUTION SUPPORTING STATE AND
FEDERAL LEGISLATION THAT PROVIDES
GREATER TRANSPARENCY IN POLITICAL
DONATIONS AND LIMITS THE INFLUENCE OF
MONEY IN POLITICS**

VOTED: That no action be taken under Article 60.

(5-0)

COMMENT: The Board of Selectmen respectfully recommends no action be taken on the proposed resolution submitted by Ms. Elizabeth Kowalksi. The instant resolution speaks to important issues affecting Commonwealth and Federal policy making. However, the resolution is not sufficiently oriented toward matters within the Town's jurisdiction. The Board makes no comment on the overall merits of the Anti-Corruption Act as national or state legislation, but encouraged Ms. Kowalski to make use of other means of informing Town residents and our legislative delegations of the state and federal measures at issue.